

MARKUP OF SECTIONS OF THE ZONING BYLAW AFFECTED BY ARTICLE 34

Deletions are noted as ~~strikethrough~~; additions are noted as double-underline; portions of the Bylaw related to and affected by amendments to other sections have been highlighted

SECTION IA. DEFINITIONS.

As used in the Zoning Bylaws, the following words and terms shall have and include the following respective meanings:

Accessory Use – A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Adult Bookstore - An establishment having as a substantial or significant portion of its stock in trade, books, magazines and/or other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in G.L. Chapter 272, Section 31.

Adult Dance Club - An establishment which, as its principal form of entertainment, permits a person or persons to perform in a state of nudity as defined in G.L. Chapter 272, Section 31.

Adult Motion Picture Theater - An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in G.L. Chapter 272, Section 31.

Adult Paraphernalia Store - An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in G.L. Chapter 272, Section 31.

Adult Use - Adult Bookstore, Adult Dance Club, Adult Motion Picture Theater, Adult Paraphernalia Store, and/or Adult Video Store as herein defined.

Adult Video Store - An establishment having as substantial or significant portion of its stock in trade, videos, movies or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in G.L. Chapter 272, Section 31.

Assisted Elderly Housing - A building or group of buildings that have on site medical, convalescent and nursing facilities for the residents but in all other manners is consistent with the definition and uses permitted for independent elderly housing projects.

Assisted Units - Dwelling Units which qualify for enumeration under Chapter 40B, Sections 20-23 M.G.L. (Chapter 774 of the Acts of 1969). In the case of units to be sold there shall be deed restrictions to enforce the funding agencies' requirements for the long term eligibility of the unit for enumeration, and which require that the seller give a 90 day right of first refusal to the Wellesley Housing Authority. The deed restrictions shall be reviewed and approved by the Wellesley Housing Authority and Town Counsel prior to sale.

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Commercial Trailer - A vehicular, portable unit without independent motive power designed and/or used for any commercial purpose whether used with or without a permanent foundation, including but not necessarily limited to the following:

1. hauling and storing of products or materials, or
2. retail sales, or
3. business or office use

whether or not there is affixed thereto any advertisement or indication of a business or professional use or affiliation.

Community Group Residence - A boarding house, halfway house, home for adjustment or rehabilitation center for persons with physical or social disabilities which make functioning in society difficult and who require the protection of a group setting.

Conventional Units - Dwelling Units available to the general public on the open market without price restrictions or consumer income limitations.

Days - This term shall refer to calendar days unless otherwise noted.

Detached Dwelling - A building containing only dwelling units and private garage having open space on all sides.

Development Area - A parcel or contiguous parcels which are under one ownership.

Drainage and Storm Water Drainage – surface water runoff and the removal of surface water runoff by a system which may include catch basins, leaching basins, manholes, pipes, retention and/or detention basins, swales, drainage ditches, headwalls and other components which meet best management practices and are consistent with the Clean Water Act, Massachusetts Water Quality Standards, the Phase II Regulations of National Pollutant Discharge Elimination System of U.S. EPA, the Massachusetts Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw (Article 44 of the Town Bylaws); the Erosion and Sedimentation Control Regulations and the Municipal Stormwater Drainage System Rules and Regulations adopted by the Board of Public Works.

Dwelling - A building which is designed for or redesigned and/or used for human habitation.

Dwelling Unit - A room, group of rooms, or dwelling forming a habitable unit for one family with facilities for living, sleeping, food storage and/or preparation and eating, and

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which is directly accessible from the outside or through a common hall without passing through any other dwelling unit.

Family - (A) One (1) or more persons related by blood, adoption or marriage and not more than two (2) additional persons all residing together as a single housekeeping unit; (B) A number of persons but not exceeding three (3) residing together as a single housekeeping unit where such persons are not related to one another by blood, adoption or marriage.

Floor Area Ratio - The floor area of building divided by the commercially zoned lot area. Floor area shall be the sum of the horizontal areas of the several floors of a building as measured from the exterior surface of the exterior walls. Parking garages, interior portions of building devoted to off-street parking, and deck or rooftop parking shall not be considered as floor area. The floor area devoted to a child care facility (defined to mean a "day care center" or a "school age child care program," as those terms are defined in Section 9 of Chapter 28A M.G.L.) as an accessory use to an allowed use, shall not be considered as floor area for the purposes of the calculation of Floor Area Ratio except that the building floor area shall not exceed 110% of the building floor area otherwise allowed without a child care facility. The floor area devoted to dwelling units developed in accordance with and under the provisions of SECTION XVIB. INCLUSIONARY ZONING., shall not be considered as floor area for the purposes of the calculation of Floor Area Ratio provided that Assisted Units sufficient to satisfy SECTION XVIB. are provided on the same Development Area.

Home Occupation - A non-residential use of a dwelling unit, by the resident or residents, for gainful employment, that is subordinate but compatible to residential use.

The term Home Occupation shall include a "family day care home" as defined in Chapter 28A of the General Laws, for not more than six children, including participating children living in the residence, where the provider is licensed by the Office for Children under said Chapter 28A.

Independent Elderly Housing - A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 62 years of age or older or couples where either the husband or wife is 62 years of age or older. Independent elderly housing may include support services such as central dining, cleaning, linen, laundry and other personal support services. Further they may provide convenience retail services if said facilities do not have any exterior signs and comprise not more than 2% of the total floor area of the development. Independent Elderly Housing may include a medical service station for a house physician but not on site convalescent or nursing facilities. However, this definition shall not prevent independent elderly housing units from being developed as a distinct element in a larger development that includes assisted elderly housing units are on separate floors or separate buildings.

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Mobile Home or House Trailer - A dwelling designated as year-round living quarters, and built on a chassis to be moved from site to site, whether used with or without a permanent foundation.

Nursing Homes and Skilled Nursing Facility - A building housing a facility licensed to provide full time long term accommodation and a combination of personal and health care services in a supervised environment. Said facilities shall provide long term intensive, skilled and supportive nursing care, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. The facilities may contain common areas for therapy, recreation and dining; further the facilities may also include on-premise medical offices and treatment facilities related to the care of the tenants. For the purposes of this Bylaw, it includes: extended care facility, intermediate care facility, convalescent home and rest home.

One-Family Dwelling - A detached dwelling containing not more than one dwelling unit.

Open Space - The portion of a lot not covered by buildings, garages or other accessory buildings or structures, canopies, off-street parking areas, maneuvering aisles, loading areas or driveways. The portions of a lot devoted to lawn; landscaping; swimming pools constructed at or below grade; at grade terraces, patios, walks, tennis or other play courts; and woodland or wetland shall be considered as open space. Open space shall be free of automotive traffic, or parking.

Original Grade - The grade of the lot before development begins. If an existing structure is to be demolished, the original grade shall be the grade determined prior to demolition of the structure. If there is no existing structure on the property, the natural grade of the property, prior to any modification, shall be considered the original grade; except in new subdivisions where the original grade shall mean the approved and recorded grade.

Permit Granting Authority - The Zoning Board of Appeals.

Recreational Trailer or Vehicle - A vehicular, portable unit designed for travel, camping or recreational use, including but not limited to the following:

1. Travel Trailer - A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed forty-five hundred (4500) pounds, or being of any weight provided its overall length does not exceed twenty eight (28) feet.
2. Pick-Up Camper - A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
3. Motorized Camper - A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

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4. Tent Trailer - A folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels to be used as a temporary dwelling.
5. Boat Trailer - A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.

Registered Marijuana Dispensary - A not-for-profit entity and use registered under 105 CMR 725.100, and previously known as a Medical Marijuana Treatment Center, which may acquire, cultivate, possess, process (including development of related products such as edible Marijuana-Infused Products ("MIPs"), tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute, dispense, and/or administer marijuana, products containing marijuana, related supplies, and/or educational materials to registered qualifying patients or their personal caregivers. Also referred to herein as "RMD" or "RMDs". Not to include non-medical dispensaries.

Retaining Wall - A wall or terraced combination of walls used at a grade change to hold soil and other earth material at a higher position. Retaining walls may be attached to or independent from other structures. The exposed side of a retaining wall shall be known as a "face". The area between a lower wall and a successive higher wall shall be known as a "terrace".

Special Permit Granting Authority - ~~Zoning Board of Appeals except as otherwise designated by this Zoning Bylaw for the granting of special permits. For the purposes of SECTION XIVB. FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS. and SECTION XIVE. WATER SUPPLY PROTECTION DISTRICTS. and SECTION XVIA. PROJECT APPROVAL.~~ the Planning Board shall act as the Special Permit Granting Authority for subdivision applications processed under the provisions of the Subdivision Control Law (Chapter 41, Sections 81K - GG M.G.L.) and for approval of projects of significant impact. When the Planning Board is acting as Special Permit Granting Authority, the Chairman may call upon the associate member to sit on the Board for the purposes of acting on an application, in the case of absence, inability to act, or conflict of interest on the part of any member, or in the event of a vacancy on the Board. The provisions for filling the position of associate member shall be governed by Article 45 of the Town Bylaws. Zoning Board of Appeals except as otherwise designated by this Zoning Bylaw for the granting of special permits. For the review and issuance of special permits for Registered Marijuana Dispensaries, as allowed by this Bylaw and established in Section XXV, B., 5., b., the Board of Selectmen shall act as the Special Permit Granting Authority. For the purposes of SECTION XIVB. FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS., SECTION XIVE. WATER SUPPLY PROTECTION DISTRICTS., and SECTION XVIA. PROJECT APPROVAL., the Planning Board shall act as the Special Permit Granting Authority for subdivision applications processed under the provisions of the Subdivision Control Law (Chapter 41, Sections 81K - GG M.G.L.) and for approval of projects of significant impact. When the

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Planning Board is acting as Special Permit Granting Authority, the chairman may call upon the associate member to sit on the Board for the purposes of acting on an application, in the case of absence, inability to act, or conflict of interest on the part of any member, or in the event of a vacancy on the Board. The provisions for filling the position of associate member shall be governed by Article 45 of the Town Bylaws.

Town House - A dwelling containing two or more dwelling units, each sharing one or more party walls with another dwelling unit, and each having at least one floor at ground level with direct access to open space on two or more sides.

Two Family Dwelling - A detached dwelling other than a Town House containing two dwelling units.

SECTION II. SINGLE RESIDENCE DISTRICTS.

- A. In Single Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:
1. One-Family Dwelling
 2. Religious Purposes;
 3. Educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a non-profit educational corporation, provided, however, that all lots, structures or uses shall be subject to the following dimensional criteria:
 - a. Maximum height as defined in SECTION XX. shall be three stories or 40 feet;
 - b. Minimum frontage as defined in SECTION XIX. shall be 100 feet;
 - c. Minimum lot area as defined in SECTION XVIII. shall be as indicated on the Zoning Map as referenced in this Zoning Bylaw;
 - d. Minimum side yard as defined in SECTION XIX. shall be 50 feet;
 - e. Minimum front yard as defined in SECTION XIX. shall have a width of 100 feet and a depth of 50 feet, or such greater distances as may be required by SECTION XIX.;
 - f. Minimum open space as defined in SECTION IA., shall be 75% of the lot area;

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- g. Sufficient off-street parking shall be provided so that no vehicle will be required to park on any street, the provisions of SECTION XXI., Subpart 3. DEVELOPMENT STANDARDS. shall apply to any parking lot constructed;

Other provisions of the Zoning Bylaw notwithstanding the above regulations apply to uses permitted under this Clause 3.

3A. Child Care Facility (defined to mean a "day care center" or a "school age child care program," as those terms are defined in Section 9 of Chapter 28A M.G.L.) provided that:

- a. The structure containing such facility and the lot containing such facility shall meet the dimensional zoning requirements for the district in which the structure is located unless the structure is a legally pre-existing, non-conforming building or structure;
- b. The structure containing such facility and the facility itself shall meet all applicable local, state and federal requirements;
- c. The fire alarm system shall be installed and tested by a qualified electrician or alarm company pursuant to National Fire Protection Association standards; test certification shall be submitted to the Inspector of Buildings and the Fire Chief with periodic testing done at intervals specified by the Fire Chief;
- d. Fenced outdoor play area, set back a minimum of 10 feet from any abutting land in single residence use, shall be provided at a ratio of not less than 75 square feet for every child at play, exclusive of the area occupied by play equipment;
- e. One off-street parking space shall be provided for every paid and unpaid employee, not resident on the premises, so that there is no on-street parking by employees;
- f. Off-street drop off and pick up area shall be provided at a ratio of one space for every 3 children, unless drop off and pick up area can lawfully be provided on a street abutting the lot;
- g. Off-street parking areas devoted to the parking of 5 or more vehicles shall comply with the SCREENING requirements contained in Subpart 3. Development Standards of Part D. of SECTION XXI. OFF-STREET PARKING and;
- h. A child care facility located within a Single Residence District shall not exceed a floor area of 2,500 square feet.

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4. Club, except a club the chief activity of which is a service customarily carried on as a business;
5. Agriculture, horticulture, floriculture, including the use of the premises for the sale of natural products raised thereon except as follows:
 - a. A farm devoted principally to the raising of poultry, horses, domestic animals or other livestock for sale is prohibited unless it meets the minimum acreage requirement as provided in Chapter 40A Massachusetts General Laws, as amended;
 - b. The use of any premises for the sale of loam is prohibited.
6. Home Occupations being lawfully conducted prior to October 24, 1977, subject to any and all restrictions or conditions in effect on said date; and other home occupations provided, however, that as the result of the home occupation:
 - a. There shall be no activity, and no equipment or process shall be used, in the conduct or as the result of the conduct of a home occupation, which disrupts or disturbs the customary character of a residential neighborhood;
 - b. There shall be no employees not resident on the premises;
 - c. There shall be no pickup or delivery of products and/or articles at the premises that is not customary in a residential area;
 - d. No sign advertising, or incidental to the home occupation shall be displayed on the property;
 - e. There shall be no outdoor storage of products or materials;
 - f. There shall be no change in the outside appearance of the premises, including building and grounds;
 - g. There shall be no additional parking permitted;

Upon receipt by the Inspector of Buildings of Notification, in form acceptable to the Inspector of Buildings, from the person or persons wishing to conduct a home occupation, of the intention to conduct said home occupation, home occupations complying with the above standards are permitted as a matter of right.

7. Such accessory uses as are customary in connection with the uses enumerated in clauses 1, 2, 3, 4, 5, or 6, and are incidental thereto, including a private garage and a private stable.

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8. Any of the following additional uses upon the granting of a special permit as provided in SECTION XXV.:
 - a. Residence for not more than two families, or boarding or lodging house, but not a restaurant; provided, however, that the building so used was in existence when this Bylaw took effect; and provided further that the Board of Appeals make a written finding that the original building can no longer be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in the district.
 - b. Educational purposes in addition to those permitted under clause 3. hereof, and any non-profit purpose, not to include Registered Marijuana Dispensaries, provided that:
 - (i) Sufficient off-street parking shall be provided so that no vehicle will be required to park on any street, the provisions of SECTION XXI. Subpart 3. DEVELOPMENT STANDARDS. shall apply to any parking lot constructed;
 - (ii) No sign identifying the premises shall be displayed on the property except in accordance with SECTION XXIIA. Part C. Subpart 1.a.4. of this Zoning Bylaw;
 - (iii) There shall be no disturbance or disruption to any residential neighborhood caused by or as the result of any use permitted under this subclause.
 - c. Public, semi-public institution of a Philanthropic, Charitable or Religious character.
 - d. Community Group Residence in an existing building having a single kitchen facility subject to the following conditions, limitations and dimensional criteria:
 - (i) There shall be no disturbance or disruption to any residential neighborhood caused by the Community Group Residence or as a result of the operation of the Community Group Residence;
 - (ii) The Special Permit Granting Authority shall not grant a special permit for a Community Group Residence where there is another similar facility located within a one half mile radius;
 - (iii) The number of persons residing on the premises shall not exceed the limits contained in Section 424 of the State Building Code;
 - (iv) Minimum lot area as defined in SECTION XVIII. shall be as referenced in this Zoning Bylaw;

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- (v) Minimum side yard as defined in SECTION XIX. shall be 30 feet;
 - (vi) Minimum front yard as defined in SECTION XIX. shall be 30 feet or such greater distance as may be required by SECTION XIX.;
 - (vii) Minimum open space as defined in SECTION VIA. shall be 50% of the lot area;
 - (viii) Sufficient off-street parking shall be provided so that no vehicle will be required to park on any street; the provisions of SECTION XXI. Subpart 3. DEVELOPMENT STANDARDS. shall apply to any parking lot constructed;
 - (ix) There shall be provided a minimum of one bedroom for every two persons residing on the premises;
 - (x) No permit shall be issued or renewed for periods of more than 2 years.
- e. Telephone exchange provided there is no service yard or garage; unless otherwise provided for under SECTION XV. of this Zoning Bylaw.
 - f. Removal of sand, gravel, rock, clay, loam or sod there from; except that no such permission shall be required for the removal of such materials incidental to excavation necessary for the construction of a building in accordance with a permit which has been issued by the Building Inspector or for the construction of a private way in accordance with a subdivision plan which has been approved by the Planning Board and recorded with Norfolk Deeds or filed in the Land Court if the land is registered.
 - g. Residence where more than three (3) persons reside together as a single housekeeping unit and where such persons are not related to one another by blood, adoption or marriage.
 - h. Home occupations in addition to those permitted under clause 6 hereof, provided, however, that as the result of the home occupation:
 - (i) There shall be no activity, and no equipment or process shall be used, in the conduct or as the result of the conduct of a home occupation, which disrupts or disturbs the customary character of a residential neighborhood;
 - (ii) There shall be no pickup or delivery of products and/or articles that is not customary in a residential area;

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- (iii) No sign advertising, or incidental to the home occupation shall be displayed on the property except in accordance with SECTION XXIIA. of this Zoning Bylaw;
- (iv) There shall be no outdoor storage of products or materials;
- (v) There shall be no change in the outside appearance of the premises, including buildings and grounds, that is not in keeping with the residential character and appearance;
- (vi) There shall be provision for parking on the premises so that no vehicle will be required to park on any street. The required parking area shall retain the character of the residential neighborhood. No substantial enlargement of the width of the residential driveway or other alteration of the driveway within the front yard setback shall be allowed in order to meet this requirement.
- (vii) There shall not be more than the equivalent of two full-time non-resident employees;

and provided, further, that no permit shall be issued for more than three years or renewed for periods of more than three years;

- i. Municipally owned or operated public parking lot or other public use.
- j. Off-street parking as a non-accessory use subject to the following criteria:
 - (i). The non-accessory use parking shall not cause a significant disturbance or disruption of any residential neighborhood, in terms of safety, noise, traffic, appearance, or noxious odors;
 - (ii) The non-accessory use parking shall not cause there to be fewer than the number of parking spaces available for accessory use parking as are required under SECTION XXI., OFF STREET PARKING. Part D. REGULATIONS AND RESTRICTIONS., Subpart 2. REQUIRED PARKING.;
 - (iii) There shall be no reduction in area devoted to landscaping and screening as required by SECTION XXI. OFF-STREET PARKING., Part D., Subpart 3. DEVELOPMENT STANDARDS;
 - (iv) The non-accessory use parking will not detract from the use of the parking lot for the accessory use; and
 - (v) Special Permits issued under this paragraph shall be subject to annual renewal.

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- k. Such accessory uses as are customary in connection with any of the above subclauses and are incidental thereto.
9. Air Navigation Facility as defined in Massachusetts General Laws; if permission is, in each case, obtained by a two-thirds vote at a Town Meeting duly called for the purpose and if the Special Permit Granting Authority subsequently issues a special permit in accordance with SECTIONS XVIA. and XXV. subject to the following:
- a. All requirements, rules and regulations of the Federal Aviation Administration (FAA) and the Massachusetts Aeronautics Commission (MAC) shall be satisfied, and certification and approval by the FAA and the MAC shall be maintained;
 - b. Special permit submissions shall be accompanied by a report which contains:
 - a noise assessment indicating the anticipated noise levels at the nearest residences, streets and roads and any noise mitigation measures;
 - nature and frequency of use;
 - a report on lighting and prevailing wind direction including approach and departure patterns showing any existing structures within the glide paths; and
 - a report on proposed air navigation facility maintenance programs.
 - c. Air Navigation Facilities shall not be located less than 500 feet of any Wellesley residential street, residence, public school or playground;
 - d. Air Navigation Facilities shall not create noise levels greater 65 db at any property line of a Wellesley residence;
 - e. Air Navigation Facilities shall be subject to other requirements and conditions as may be determined by the Special Permit Granting Authority on a case by case basis; and
 - f. A special permit for an Air Navigation Facility shall be subject to annual renewal.

The Special Permit Granting Authority may establish a standard format and content for the submission of applications for approval for an Air Navigation Facility.

The requirements of this paragraph 9. do not override, supersede or replace any FAA or MAC requirements which may be more restrictive. FAA and MAC requirements shall govern in such instances in the event of a conflict.

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9A. Any of the following additional uses, if the location of the lands intended for such use has been approved in writing by the Board of Health and if permission in each case is obtained by a majority vote at a Town Meeting:

a. Cemetery (burial use), provided, however, that where a cemetery is hereafter approved and permitted under this Section and is contiguous to land used or zoned for residential use, the use of the land for a distance of not less than twenty (20) feet into such cemetery land from the border line with such contiguous residential property shall be subject to the following conditions:

- (i) Structures or buildings or portions thereof shall not be erected within said twenty (20) foot area;
- (ii) Burials shall not be made therein;
- (iii) Natural growth of trees and shrubs shall be maintained within said twenty (20) feet.

10. Use by the Town of a building, structure or land for its Municipal Light Plant or its Water Works Plant if, upon application by the Board of Public Works, the Special Permit Granting Authority shall grant a special permit in accordance with SECTION XXV. of this Zoning Bylaw.

11. Conversion of a building and site previously used for a municipal purpose to a use permitted in residential districts provided, such use shall have been recommended to the Town Meeting by the Board of Selectmen as being in the Town's best interest; and provided, further, such use shall be approved by a two-thirds vote of a Town Meeting and be subject to a special permit as hereinafter provided.

In addition to said recommendation of the Board of Selectmen, the Planning Board shall hold a public hearing and make a report to the Town Meeting as to whether there is a need for the use in the Town and whether the use is consistent with the Town's Comprehensive Plan and compatible with surrounding uses. Failure of the Planning Board to make such a report shall not invalidate Town Meeting approval. Plans of the proposed use shall be made available for public review in the offices of the Board of Selectmen and the Planning Board for at least two weeks prior to the public hearing. Said plans shall conform to the specifications for preliminary plans contained in the adopted Design Review Procedures and any additional procedures that may be adopted by the Board of Selectmen.

Following the dissolution of the Town Meeting, the Zoning Board of Appeals may grant a special permit in accordance with SECTION XXV. which shall include the plans and conditions approved by said Town Meeting vote and any further conditions which the Planning Board shall deem consistent with said Town Meeting approval and the public safety and convenience.

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B. PROJECT APPROVAL.

The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.

C. INCLUSIONARY ZONING.

The provisions of SECTION XVIB. INCLUSIONARY ZONING shall apply.

SECTION III. SINGLE RESIDENCE DISTRICTS A.

A. In Single Residence Districts A. no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except:

1. Any purpose authorized in a Single Residence District in accordance with and subject to the provisions of SECTION II; or for
2. The temporary open surface parking of passenger cars of persons residing within four hundred (400) feet of such land, and the guests of such persons; or for
3. The temporary open surface parking of passenger cars of employees, customers or guests of establishments which constitute a use permitted by this Bylaw in the district (a) in which such land is situated or, (b) on which it abuts or from which it is separated by a way, provided said cars are not serviced or held for sale or lease on such land.
4. Any of the following additional uses upon the granting of a special permit as provided in SECTION XXV:
 - a) Temporary or seasonal outdoor sales of farm produce or natural products.

B. Off-street parking shall be provided in accordance with SECTION XXI.

SECTION IIIA. TOWN HOUSE DISTRICTS.

A. In Town House Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

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1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II.; in addition, with regard to the multi-family uses hereinafter provided, **the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.**
2. Town houses and, in connection therewith, the parking of motor vehicles and other accessory uses as are customary, all subject to conformity with the following requirements:
 - a. MINIMUM LOT OR BUILDING SITE AREA: No such building or group of buildings or other structures shall be erected or placed on a lot containing less than twenty thousand (20,000) square feet in area.
 - b. MINIMUM OPEN SPACE: There shall be provided for each lot a minimum open space of not less than 55%, 65% or 75% of the lot area in accordance with c. below.

A development having not less than 6,000 square feet per dwelling unit shall have not less than 55% open space in accordance with b. above,

A development having not less than 5,000 square feet per unit shall have not less than 65% open space in accordance with b. above,

A development having not less than 4,000 square feet per unit shall have not less than 75% open space in accordance with b. above.
 - c. MINIMUM LOT AREA PER DWELLING UNIT: There shall be provided for each dwelling unit contained in the building or buildings a lot area of not less than 6,000 square feet, 5,000 square feet or 4,000 square feet as follows:
 - d. MAXIMUM LOT COVERAGE: No building or addition to any building, including accessory buildings, shall be erected or placed on a lot which will result in the covering by buildings or more than twenty five percent (25%) of the lot area.
 - e. HEIGHT OF BUILDING OR STRUCTURE: No building shall exceed a maximum of three stories or forty (40) feet in height.
 - f. YARDS: No building or structure shall be located within thirty (30) feet of any property boundary line abutting a Single Residence District or within twenty (20) feet of any other property boundary line.

MARKUP OF SECTIONS OF THE ZONING BYLAW AFFECTED BY ARTICLE 34

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- g. SEPARATION BETWEEN BUILDINGS: No building or structure shall be located within thirty (30) feet of any other building or structure on the same lot.
 - h. LENGTH OF ROW: No building or structure shall contain less than four (4) or more than eight (8) dwelling units.
 - i. FRONTAGE: No such building or structure shall be erected on a lot with less than one hundred (100) feet of frontage on a public way or a way shown on a plan approved in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.
 - j. PARKING: Off-street parking shall be provided in accordance with SECTION XXI.
 - k. PROJECT APPROVAL: The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.
-

SECTION IV. GENERAL RESIDENCE DISTRICTS.

- A. In General Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:
- 1. **Any purpose authorized in Single Residence Districts;**
 - 2. Two-family dwelling;
 - 3. Town house of three or more units subject to the following:

	CATEGORY A CONVENTIONAL UNITS (with or without assisted units not qualifying as Category B)	CATEGORY B CONVENTIONAL & 25% ASSISTED UNITS*	CATEGORY C 100% ASSISTED UNITS*
MAXIMUM RESIDENTIAL DENSITY (sq. ft. unit)	7,000	6,000	5,000
MINIMUM LOT OR BLDG. SITE (sq. ft.)	21,000	18,000	15,000
MINIMUM OPEN SPACE	65%	65%	65%

MARKUP OF SECTIONS OF THE ZONING BYLAW AFFECTED BY ARTICLE 34

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	CATEGORY A CONVENTIONAL UNITS (with or without assisted units not qualifying as Category B)	CATEGORY B CONVENTIONAL & 25% ASSISTED UNITS*	CATEGORY C 100% ASSISTED UNITS*
MAXIMUM LOT COVERAGE BY BUILDING	20%	20%	20%
MAXIMUM BLDG. HEIGHT (feet)	40	40	40
MINIMUM LOT FRONTAGE (feet)	120	100	100
MINIMUM BLDG. SETBACKS (ft. from property boundary lines)			
FRONT (STREET SETBACK)	35	30	30
SIDES AND REAR			
ABUTTING SINGLE RESIDENCE ZONING	35	30	30
ABUTTING OTHER ZONING	25	20	20
MINIMUM BLDG. SEPARATION (feet)	30	30	30
MINIMUM & MAXIMUM LENGTH OF ROW (units)	3-6	3-8	3-8
<i>*To qualify for Category B a minimum of 25% of the dwelling units or 1 unit, whichever is greater, shall be assisted units. To qualify for Category C 100% of the units shall be assisted.</i>			

Off-street Parking shall be provided in accordance with SECTION XXI.

4. Boarding or lodging house, but not a restaurant;
5. Such accessory uses as are customary in connection with any of the above subclauses and are incidental thereto, including a private garage and a private stable.

B. PROJECT APPROVAL.

MARKUP OF SECTIONS OF THE ZONING BYLAW AFFECTED BY ARTICLE 34

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The provisions of SECTION XVIA.PROJECT APPROVAL. shall apply.

SECTION V. GENERAL RESIDENCE DISTRICTS A.

- A. In General Residence Districts A, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except:
 - 1. Any purpose authorized in a General Residence District in accordance with and subject to the provisions of SECTION IV.;
 - 2. The temporary parking of motor vehicles.
 - B. Off-street parking shall be provided in accordance with SECTION XXI.
-

SECTION VA. MULTI-FAMILY RESIDENCE DISTRICTS.

- A. In Multi-Family Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following:
 - 1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II.; in addition, with regard to the multi-family uses hereinafter provided, the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.
 - 2. Any purpose authorized in a Limited Residence District in accordance with and subject to the provisions of SECTION VI. and all other sections applicable to buildings in Limited Residence Districts.
 - 3. A building or group of buildings containing four or more independent dwelling units each having a room or suite of rooms with bathroom and kitchen facilities for such dwelling units, and, in connection therewith, the parking of automobiles and such other accessory uses as are customary; all subject to conformity with the following requirements:
 - a. MINIMUM LOT OR BUILDING SITE AREA: No such building or group of buildings or other structures shall be erected on a lot containing less than twenty thousand (20,000) square feet.

MARKUP OF SECTIONS OF THE ZONING BYLAW AFFECTED BY ARTICLE 34

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- b. MINIMUM OPEN SPACE: There shall be provided for each lot or building site area a minimum open space of not less than 40 percent of the lot area.
- c. MINIMUM LOT AREA PER DWELLING UNIT: There shall be provided for each dwelling unit contained in the building or buildings a lot area of not less than three thousand (3,000) square feet.
- d. MAXIMUM LOT COVERAGE: No building or addition to any building, including accessory buildings, shall be erected or placed on a lot which will result in the covering by buildings of more than thirty per cent (30%) of the lot or building site area.
- e. MAXIMUM HEIGHT OF BUILDING OR STRUCTURE: No building shall exceed a maximum of three (3)stories or forty-five (45) feet in height.
- f. YARDS: No building or structure shall be placed within thirty (30) feet of any property line abutting a public or private way or within twenty (20) feet of any other property boundary line.
- g. FRONTAGE: No such building or structure shall be erected on a lot with less than eighty (80) feet of frontage on a public way or a way approved in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.
- h. OFF-STREET PARKING:
 - (1) There shall be provided a permanent off-street parking area or areas, surface and/or underground, of sufficient size to provide not less than one and 5/10 (1.5) automobile spaces for each dwelling unit providing two bedrooms or less and two (2) automobile spaces for each dwelling unit providing three (3) bedrooms or more to be accommodated on the lot.
 - (2) All off-street parking facilities shall be designed and constructed in accordance with the provisions of SECTION XXI.
- i. PROJECT APPROVAL: The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.

SECTION VI. LIMITED RESIDENCE DISTRICTS.

- A. In Limited Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged,

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reconstructed or used, and no land shall be used, for any purpose except one or more of the following:

1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II.; in addition, with regard to the multi-family uses hereinafter provided, **the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.**
2. A building or group of buildings operated by a non-profit organization and having three or more independent dwelling units each having a room or suite of rooms with its own bathroom and toilet facilities for occupancy by a family unit consisting of one or more persons at least one-half of whom are 62 years of age or older, such building or group of buildings having separate kitchen facilities for such dwelling units and/or central kitchen and dining facilities for the preparation and serving of meals to residents thereof (but not to the public), and at the option of the owner, lounge rooms for the common use of the residents thereof, also in connection therewith, the parking of automobiles and such other accessory uses as are customary; all subject to conformity with the requirements of the following sub-paragraphs (a) through (h) of this paragraph. For the purposes of this Section the term "non-profit organization" shall mean a corporation foundation or other organization not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and which shall pay real estate taxes on its property, or make equivalent payment in lieu thereof to the Town.
 - a. **MINIMUM LOT OR BUILDING SITE AREA:** No such building or group of buildings or other structures shall be erected or placed on a lot containing less than forty thousand (40,000) square feet in area.
 - b. **MINIMUM LOT AREA PER DWELLING UNIT:** There shall be provided a lot area of not less than twenty-five hundred (2,500) square feet for each dwelling unit.
 - c. **MAXIMUM BUILDING AREA (LOT COVERAGE):** No building or addition to any building, including accessory buildings, shall be erected or placed on a lot which will result in the covering by buildings of more than twenty percent (20%) of the lot area.
 - d. **HEIGHT OF BUILDING OR STRUCTURE:** No building shall exceed a maximum of two and one-half (2 1/2) stories of thirty (30) feet in height.
 - e. **FRONT YARD, SIDE YARD AND REAR YARD:** No building or structure shall be located within thirty (30) feet of any property boundary line abutting a public or private way or within twenty (20) feet of any other property boundary line.

MARKUP OF SECTIONS OF THE ZONING BYLAW AFFECTED BY ARTICLE 34

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- f. PARKING: Off-street parking shall be provided in accordance with SECTION XXI.
 - g. CONVERSION: No conversion of an existing building shall be made without a special permit as provided in SECTION XXV.
 - h. PROJECT APPROVAL: The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.
3. A building or group of buildings operated as public housing for the elderly, and in connection therewith, the parking of automobiles and such other accessory uses as are customary; all subject to conformity with the following:
- a. FRONT YARD, SIDE YARD AND REAR YARD: No building or structure shall be located within thirty (30) feet of any property boundary line abutting a public or private way or within twenty (20) feet of any other property boundary line.
 - b. PARKING: Off-street parking shall be provided in accordance with SECTION XXI.
 - c. CONVERSION: No conversion of an existing building shall be made without a special permit as provided in SECTION XXV.
 - d. PROJECT APPROVAL. The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.
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SECTION VIA. LIMITED APARTMENT DISTRICTS.

- A. In Limited Apartment Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following:
- 1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II., in addition, with regard to the multi-family uses hereinafter provided, the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.
 - 2. Any purpose authorized in an Educational District in accordance with and subject to the provisions of SECTION VII. and all other sections applicable to buildings in Educational Districts;

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3. A building or group of buildings containing twenty or more independent dwelling units each having a room or suite of rooms with bathroom and kitchen facilities for such dwelling units, and, in connection therewith, the parking of automobiles and such other accessory uses as are customary; all subject to conformity with the requirements of the following subparagraphs (a) through (i) of this paragraph.
 - a. **MINIMUM LOT OR BUILDING SITE AREA:** No such building or group of buildings or other structures shall be erected or placed on a lot containing less than eighty thousand (80,000) square feet in area.
 - b. **MINIMUM OPEN SPACE:** There shall be provided for each lot or building site area a minimum open space of not less than 75 percent of the lot area.
 - c. **MINIMUM LOT AREA PER DWELLING UNIT:** There shall be provided for each independent dwelling unit contained in the building or buildings a lot area of not less than eighteen hundred (1,800) square feet.
 - d. **ELEVATION OF BUILDING OR STRUCTURE:**
 - (i) No exterior wall of any building shall exceed a height of forty-five (45) feet measured from the finished grade elevation of the land adjoining said wall, exclusive of parapets or cornices.
 - (ii) Vertical projections not designed or used for human occupancy constructed above the main roof elevation shall be permitted but shall not occupy a total number of square feet of the roof which shall exceed in aggregate of fifteen percent (15%) of the total ground coverage of the building and shall not extend more than fifteen (15) feet above the main roof elevation of the building.
 - (iii) For the purpose of this Bylaw, the finished grade shall mean the elevation of the completed surface of the land, such as lawns, walks, or paving, as determined by field survey or as shown on official plans.
 - (iv) No building shall contain more than four (4) stories. As used herein, the term story shall mean a building level designed or used for human occupancy, but shall not include a level designed or used for occupancy only by custodial personnel.
 - e. **YARDS AND SET-BACKS:** No buildings or structures shall be erected or placed above ground level nearer than sixty (60) feet to any street line, or forty (40) feet to any public land held or in use for a park, playground or recreational purpose, or fifty (50) feet to any area in the Single residence or General Residence District, or twenty-five (25) feet to any area in any other District.

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- f. SCREENING: Shall be provided in accordance with SECTION XXI.
- g. PARKING: There shall be provided a permanent off-street parking area or areas, surface and/or underground, of sufficient size to provide not less than one and 5/10 (1.5) car spaces for each dwelling unit providing two bedrooms or less and two (2) car spaces for each dwelling unit providing three (3) bedrooms or more to be accommodated on the lot. All off-street parking facilities shall be designed with appropriate maneuvering area and with appropriate vehicular access to a street or way. Access to and from such facilities shall be through a single driveway (or not more than two (2) driveways where the lot concerned exceeds ten (10) acres in size) not over twenty-four (24) feet in width, and having an opening or curb cut at the street line suitable and appropriate to the driveway width. The area devoted to parking and the area devoted to roadways, drives, and maneuverability of vehicles thereto shall be suitably graded, provided and maintained with a permanent dust free surface, shall be provided with adequate drainage and shall have bumper guards where needed for safety. If lighting is provided, the source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street, private way, or onto adjacent property. Surface parking areas shall be adequately screened from view, as provided under subparagraph (f) above.

In any surface parking area, where there is a continuous row of more than fifteen (15) parking spaces, a landscaped open space, not less than five (5) feet in width shall be provided, so that there are no more than fifteen (15) spaces in a continuous row which are not interrupted by such landscaped open space. Where abutting the perimeter of the surface parking area, such space shall extend from the maneuvering aisle to the perimeter of the area; where in the interior portion, such space shall extend from the aisle serving one row of parking spaces in an open space parallel to such spaces to the aisle serving the row of spaces facing the first row. At least one tree shall be maintained in such space within ten (10) feet of the aisle. Any surface parking area which abuts or faces a lot in a Residential District shall be screened in accordance with Subparagraph (f) hereabove in a manner to protect abutting lots from the glare of headlights, noise and other nuisance factors. The location and design of entrances, exits, surfacing, landscaping, parking, drainage, maneuverability of vehicles, and lighting shall be subject to the approval of the Board of Appeals to insure adequate relation to traffic safety and protection of adjacent properties.

- h. PROJECT APPROVAL: The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.
- i. CONFLICT WITH ANY OTHER PROVISIONS: In case of any conflict between explicit provisions of this SECTION VIA. and other sections of this Bylaw, the provisions of this Section shall control.

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SECTION VII. EDUCATIONAL DISTRICTS.

- A. In Educational Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereto, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:
1. Any purpose authorized in Single Residence Districts;
 2. Classroom library, auditorium or other educational building or use, and such accessory uses as are customary.
 3. Dormitories, and such accessory uses as are customary;
 4. Multi-family dwellings for the housing of faculty, staff and/or employees of the educational institution and such accessory uses as are customary; provided, however, that town houses shall conform in all respects, with the exception of off-street parking, to the provisions of SECTION IIIA. TOWN HOUSE DISTRICTS. and apartments shall conform in all respects, with the exception of off-street parking, to the provisions of SECTION VIA. LIMITED APARTMENT DISTRICTS.
- B. PROJECT APPROVAL.

The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.

SECTION VIII. EDUCATIONAL DISTRICTS A.

- A. In Educational Districts A, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following:
1. Any purpose authorized in an Educational District in accordance with and subject to the provisions of SECTION VII.; or for
 2. The temporary parking of motor vehicles.
- B. Off-street parking shall be provided in accordance with SECTION XXI.

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SECTION VIIIA. EDUCATIONAL DISTRICTS B.

- A. In Educational Districts B, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following:
1. Any purpose authorized in an Educational District in accordance with and subject to the provisions of SECTION VII.
 2. Buildings, equipment and other facilities for ice skating, curling, tennis, squash, handball and swimming, for participants and spectators, whether public or private, and whether or not operated for profit, also in connection therewith, the parking of motor vehicles; and also such other accessory uses as are customary when contained within or attached to the physical education or physical recreation buildings; all subject to conformity with the following requirements:
 - a. No building or other structure shall be erected or placed on a lot containing less than eighty thousand (80,000) square feet in area.
 - b. Minimum Open Space: There shall be provided for each lot a minimum open space of not less than 60 percent of the lot area.
 - c. No building or structure, or addition to any building, shall be erected or placed on a lot which will result in the covering by buildings or structures of more than twenty percent (20%) of the lot area.
 - d. No building or structure other than accessory buildings shall be located within one hundred (100) feet of any property boundary line abutting a public or private way or within one hundred (100) feet of any other property boundary line. No accessory buildings may be erected within fifty (50) feet of such property boundary lines.
 - e. Off-street parking shall be provided in accordance with SECTION XXI. but no such off-street parking shall be within one hundred (100) feet of any lot line of any land in residential districts or used for residential purposes.
 - f. PROJECT APPROVAL: The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.
 - g. For the purposes of this Subsection VIII. A2., the terms "structure" shall include an uncovered tennis court or an uncovered swimming pool.

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- h. No more than one thousand six hundred (1600) permanent spectator seats shall be provided.
-

SECTION IX. ADMINISTRATIVE AND PROFESSIONAL DISTRICTS.

- A. In Administrative and Professional Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following:

- 1. Any purpose authorized in the Single Residence Districts;

~~2. Administrative offices, clerical offices, statistical offices, professional offices, establishments for research and development, including light manufacturing incidental to such research and development, and any additional use for which a special permit may be obtained in accordance with SECTION XXV. after the determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized by this SECTION IX. also, in connection therewith, the parking of motor vehicles and such other accessory uses as are customary; all subject to conformity with the following requirements:~~

~~a. No building or other structure shall be erected or placed on a lot containing less than forty thousand (40,000) square feet in area.~~

~~b. No building or addition to any building shall be erected or placed on a lot which will result in the covering by buildings of more than 20% of the lot area.~~

~~c. No building or structure other than accessory buildings shall be located within fifty (50) feet of any property boundary line abutting a public or private way or within fifty (50) feet of any other property boundary line. No accessory buildings may be erected within thirty (30) feet of any such property boundary lines.~~

~~d. Off-street parking shall be provided in accordance with SECTION XXI.~~

~~e. PROJECT APPROVAL. The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.~~

~~f. FLOOR AREA RATIO: The maximum floor area ratio as defined in SECTION IA. DEFINITIONS. shall be 0.30.~~

2. Administrative offices, clerical offices, statistical offices, professional offices, establishments for research and development, including light manufacturing incidental to such research and development, and any additional use for which a

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special permit may be obtained in accordance with SECTION XXV. after the determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized by this SECTION IX. also, in connection therewith, the parking of motor vehicles and such other accessory uses as are customary. Registered Marijuana Dispensaries shall be allowed with the issuance of a special permit in accordance with SECTION XXV and subject to additional provisions included therein.

- B. As to any project proposed to be built on land within the Administrative and Professional District containing at least fourteen (14) contiguous acres within such District and having its principal driveway within 1,000 feet of an access ramp to or from a road which is part of the interstate highway system, the Planning Board shall, upon a finding that the following requirements have been satisfied, grant a special permit allowing (i) an increase in the maximum Floor Area Ratio above 0.3 (but not in excess of 0.4) as provided below, and (ii) an increase in the maximum number of stories to four:

1. Setbacks.

From residential land

The minimum setback of buildings from property boundary lines of land used for residential purposes shall be 100 feet.

From non-residential land

The minimum setback of buildings from property boundary lines of land used for purposes other than residential purposes shall be 50 feet.

2. Screening. The setback areas abutting land used for residential purposes shall be landscaped and screened by way of berms and plantings sufficient to substantially shield abutting land from parking areas and buildings, all in accordance with a plan drawn by a registered landscape architect. This plan shall be reviewed and approved by the Design Review Board. The approved screening plan shall be incorporated into the required Project Approval under Section XVIA.
3. Lighting. An exterior lighting plan showing the location and design of light posts and luminaries for all exterior lighting shall be reviewed and approved by the Design Review Board. Unless specifically otherwise approved, no light posts shall exceed 18 feet in height from the applicable surface grade, and luminaries shall be of a type having a total cutoff of less than 90 degrees, and shall direct the light onto the site. The approved lighting plan shall be incorporated into the required Project Approval under Section XVIA.
4. Minimum Open Space. Open space, as defined in Section 1A, shall be at least thirty percent (30%) of the lot area, and open space equal to at least fifteen percent (15%) of the lot area shall be contiguous.

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5. Site Security. The petitioner shall present to the Planning Board a certification by the Chief of Police to the effect that the petitioner has proposed a written plan for site security, which plan has been approved by the Chief of Police.
6. Traffic Management. The Board of Selectmen shall have approved a Traffic Demand Management ("TDM") program. The goal of the TDM program shall be to promote the efficient management and reduction of vehicle trips to and from the site, through the use of practices that may include (but shall not be limited to) car pooling, van pooling, ride sharing, flexible/staggered work hours, four day work weeks, membership and participation in programs of a transportation management agency, shuttle services to and from public transportation, and the use of on-site services, such as food service, banking and fitness facilities for occupants of the project and their guests.

Upon a finding by the Planning Board that the proposed plan and project description (i) satisfies the foregoing requirements, and (ii) shows that the total open space exceeds thirty percent (30%) of the lot area, and (iii) shows that at least ten percent (10%) of the lot area is Enhanced Open Space (as defined below), the Planning Board shall grant a special permit allowing an increase in floor area ratio (as defined in Section IA. DEFINITIONS) above 0.30 (but in no event in excess of 0.40), as follows: there shall be allowed an increase in FAR of 0.01 for each percent of open space over thirty percent (30%). If the Planning Board is unable to make the findings described in clauses (i)-(iii) above, the Planning Board shall not issue any such special permit.

The term "Enhanced Open Space" shall mean open space that enhances the quality of the community, such as (i) so-called "fitness trails" or walking/jogging paths, that may be made available to the public for passive recreational uses, or (ii) open space that enriches the local environmental and aesthetic and visual quality of the town, such as large (in excess of one acre) wooded or other open areas that are visible from public ways, or (iii) significant areas of contiguous open space that enhance the efficient absorption and drainage of storm water. With respect to open space that is made available for use by the public, the availability of such areas to the public may be limited or otherwise regulated (such as with respect to hours of availability) in a manner that is consistent with the operation, security and management of corporate office facilities.

C. All uses shall be subject to conformity with the following requirements:

1. No building or other structure shall be erected or placed on a lot containing less than forty thousand (40,000) square feet in area.
2. No building or addition to any building shall be erected or placed on a lot which will result in the covering by buildings of more than 20% of the lot area.
3. No building or structure other than accessory buildings shall be located within fifty (50) feet of any property boundary line abutting a public or private way

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or within fifty (50) feet of any other property boundary line. No accessory buildings may be erected within thirty (30) feet of any such property boundary lines.

4. Off-street parking shall be provided in accordance with SECTION XXI.

5. PROJECT APPROVAL. The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.

6. FLOOR AREA RATIO: The maximum floor area ratio as defined in SECTION IA. DEFINITIONS. shall be 0.30.

SECTION IXB. LOWER FALLS VILLAGE COMMERCIAL DISTRICT.

- A. Purpose: To establish a commercial zoning district for Lower Falls that allows for commercial reinvestment and improvements, while protecting the quality of the immediately surrounding residential neighborhoods.
- B. In Lower Falls Village Commercial Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:
1. Residence for more than two families, apartment house, apartment hotel, hotel or inn;
 2. Restaurant, cafe, outside dining area, or other eating place for the sale of any food or beverage; drive through windows where food or beverage is purchased by customers in vehicles are not allowed;
 3. Retail store having less than 10,000 square feet of floor area where all items for sale or rent are kept inside a building; including artisan shops for the creation of pottery, jewelry, clothing, sculpture, and similar artistic and craft activities;
 4. Theater, hall, club, or other place of assembly;
 5. Office, bank or other monetary institution; drive through windows where transactions are made by customers in vehicles are not allowed;
 6. Public or semi-public building;
 7. Such accessory uses as are customary in connection with any of the uses enumerated in clauses 1,2,3,4,5 and 6 are incidental thereto; such as the temporary parking of motor vehicles of customers and clients patronizing a use allowed in the district; drive through

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windows where business is conducted from vehicles shall not be considered as customary accessory use;

8. Any additional use for which a special permit may be obtained in a specific case, as hereinafter provided in Section XXV. after the determination by the Special Permit Granting Authority that the proposed uses is similar to one or more of the uses specifically authorized by this section.
9. Any of the following uses upon granting of a special permit as provided in Section XXV.
 - a. Sale or rental of tools and/or equipment involving outdoor storage.
 - b. Retail store having 10,000 or more square feet of floor area.

c. Registered Marijuana Dispensaries

C. Project Approval

The provisions of Section XVIA. Project Approval. shall apply.

D. Parking: Off-street parking shall be provided in accordance with Section XXI.

E. Floor Area Ratio: The maximum floor area ratio as defined in Section IA. Definitions., shall be 0.30 except that the floor area ratio may be increased above 0.30 (but not in excess of 1.0) subject to the terms of a special permit granted by the Planning Board in accordance with the following:

1. A report shall have been received from the Design Review Board finding that
 - a. the proposed project is consistent with the Wellesley Lower Falls Plan, Zoning, Urban Design and Landscape Guidelines ("Lower Falls Guidelines") adopted by the Planning Board which guidelines encourage retail activities at the street edge, pedestrian-oriented uses, improvement of building facades to enhance the pedestrian experience, improving the landscape and facilitating pedestrian access to and use of the river-front;
 - b. the proposed project is consistent with the design criteria listed in Section XXII.;
2. The proposed project shall provide and/or contribute toward pedestrian and bicycle amenities and shall, as applicable, accommodate pedestrian and bicycle circulation and safety in accordance with the Lower Falls Guidelines and nationally recognized and accepted standards;

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3. The proposed project shall provide and/or contribute toward the improvement of pedestrian access to the river; and
 4. The proposed project shall provide and/or contribute toward the creation of a village center, town green or mini-park to further enhance the pedestrian experience in Lower Falls.
-

SECTION IXC. WELLESLEY SQUARE COMMERCIAL DISTRICT.

A. In Wellesley Square Commercial Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence, General Residence or Educational Districts;
2. Residence for more than two families, apartment house, apartment hotel, hotel, or inn;
3. Restaurant, tea room or other eating place for the sale of any food or beverage for consumption off the lot or within a building on the lot; drive through windows where food or beverage is purchased by customers in vehicles are not allowed except by special permit under clause 13. hereof;
4. Retail store having less than 50,000 square feet of floor area where all items for sale or rent are kept inside a building.

Drive through windows where items or services are provided to customers in vehicles and retail stores having 50,000 or more square feet of floor area are not allowed except by special permit under clause 13. hereof;

5. Theater, hall, club or other place of assembly;
6. Office, bank or other monetary institution; drive through windows where transactions are made by customers in vehicles are not allowed except by special permit under clause 13. hereof;
7. Public or semi-public building;
8. Storage or parking of motor vehicles, gasoline filling station, motor vehicle repair shop, printing plant or telephone exchange; but not including auto body repair and painting shop or automated or mechanical car wash;

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9. Veterinary hospital or other medical institution for the care of animals and in connection therewith a boarding kennel and pound, provided that all activities shall be within a building except for exercise runs which may be maintained outside a building as an accessory use thereto, provided that such runs shall not occupy a total area in excess of four hundred (400) square feet or be located within one hundred (100) feet of any business or residential use; and that approval has been received from the Director of Public Health of the Town, and a license has been secured in accordance with Section 137A, Chapter 140, of the Massachusetts General Laws as amended;
10. Light manufacturing of products, the major portion of which is to be sold at retail on the premises by the manufacturer to the consumer; provided that no light manufacturing shall be carried on in a Business District which is prohibited or not authorized in the Industrial Districts or which is prohibited in SECTION XVI and provided further, that the total floor space used for such light manufacturing on any one lot or on adjoining lots, if part of the same establishment, does not exceed an area of fifteen hundred square feet, unless a special permit is obtained as hereinafter provided in SECTION XXV for the use of an additional specified amount of floor space if the Special Permit Granting Authority finds that such additional floor space is reasonably necessary in the conduct of the business, and that the use of such additional floor space would not violate this Section or SECTION XVI. hereof;
11. Such accessory uses as are customary in connection with any of the uses enumerated in clauses 1, 2, 3, 4, 5, 6, 7, 8, and 9, and are incidental thereto; such as the temporary parking of motor vehicles of customers and clients patronizing a use allowed in the district; drive through windows where business is conducted from vehicles shall not be considered as a customary accessory use;
12. Any additional use for which a special permit may be obtained in a specific case, as hereinafter provided in SECTION XXV. after the determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized by this Section.
13. Any of the following uses upon the granting of a special permit as provided in SECTION XXV.:
 - a. Automated or mechanical car wash;
 - b. Dry cleaning establishment where chemical solvents are used on the premises;
 - c. Motor vehicle sales;
 - d. Motor vehicle body repair and/or painting shop;
 - e. Sale or rental of trailers, boats or recreational vehicles;

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- f. Sale or rental of tools and/or equipment involving outdoor storage;
- g. Retail sales where one or more items for sale or rent are kept outside a building;
- h. Sale of products or items from trailers and vehicles
- i. Drive through windows where business is transacted from the vehicles of customers or patrons;
- j. Retail store having 50,000 or more square feet of floor area.

k. Registered Marijuana Dispensaries

- B. PROJECT APPROVAL.
The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.
 - C. Off-street parking shall be provided in accordance with SECTION XXI.
 - D. FLOOR AREA RATIO: The maximum floor area ratio as defined in SECTION IA. DEFINITIONS. shall be the greater of 0.30 or the floor area of the building or buildings on a lot on March 22, 2004 said floor area to be certified by the applicant in conjunction with a project submission.
 - E. INCLUSIONARY ZONING: The provisions of SECTION XVIB. INCLUSIONARY ZONING shall apply.
-

SECTION X. LIMITED BUSINESS DISTRICTS.

- A. In Limited Business Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following:
 - 1. Any purpose authorized in Single Residence Districts;
 - 2. Any purpose authorized in Administrative and Professional Districts in accordance with and subject to the provisions of SECTION IX;
 - 3. Hotel, motel, inn and a restaurant operated in conjunction with such hotel, motel or inn and any additional use for which a special permit may be obtained in accordance with SECTION XXV., after the determination by the Special Permit Granting

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Authority that the proposed use is similar to one or more of the uses specifically authorized by this SECTION X.; also, in connection therewith, the parking of automobiles and such other accessory uses as are customary, all subject to conformity with the following requirements:

- a. No building or other structure shall be erected or placed on a lot containing less than forty thousand (40,000) square feet in area.
- b. No building or addition to any building shall be erected or placed on a lot which will result in the covering by buildings of more than twenty per cent (20%) of the lot area.
- c. No building or structure other than accessory buildings shall be located within fifty (50) feet of any property boundary line abutting a public or private way or within thirty (30) feet of any other property boundary line. No accessory buildings shall be located within thirty (30) feet of any such property boundary lines.
- d. Off-street parking shall be provided in accordance with SECTION XXI.
- e. No facilities for the preparation of food shall be permitted in individual guest rooms or suites.
- f. PROJECT APPROVAL. The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.
- g. FLOOR AREA RATIO. The maximum floor area ratio as defined in SECTION IA. DEFINITIONS. shall be 0.30.

SECTION XI. BUSINESS DISTRICTS.

- A. In Business Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:
 1. Any purpose authorized in Single Residence, General Residence or Educational Districts;
 2. Residence for more than two families, apartment house, apartment hotel, hotel, or inn;
 3. Restaurant, tea room or other eating place for the sale of any food or beverage for consumption off the lot or within a building on the lot; drive through windows where

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food or beverage is purchased by customers in vehicles are not allowed except by special permit under clause 13. hereof;

4. Retail store having less than 50,000 square feet of floor area where all items for sale or rent are kept inside a building.

Drive through windows where items or services are provided to customers in vehicles and retail stores having 50,000 or more square feet of floor area are not allowed except by special permit under clause 13. hereof;

5. Theater, hall, club or other place of assembly;
6. Office, bank or other monetary institution; drive through windows where transactions are made by customers in vehicles are not allowed except by special permit under clause 13. hereof;
7. Public or semi-public building;
8. Storage or parking of motor vehicles, gasoline filling station, motor vehicle repair shop, printing plant or telephone exchange; but not including auto body repair and painting shop or automated or mechanical car wash;
9. Veterinary hospital or other medical institution for the care of animals and in connection therewith a boarding kennel and pound, provided that all activities shall be within a building except for exercise runs which may be maintained outside a building as an accessory use thereto, provided that such runs shall not occupy a total area in excess of four hundred (400) square feet or be located within one hundred (100) feet of any business or residential use; and that approval has been received from the Director of Public Health of the Town, and a license has been secured in accordance with Section 137A, Chapter 140, of the Massachusetts General Laws as amended;
10. Light manufacturing of products, the major portion of which is to be sold at retail on the premises by the manufacturer to the consumer; provided that no light manufacturing shall be carried on in a Business District which is prohibited or not authorized in the Industrial Districts or which is prohibited in SECTION XVI and provided further, that the total floor space used for such light manufacturing on any one lot or on adjoining lots, if part of the same establishment, does not exceed an area of fifteen hundred square feet, unless a special permit is obtained as hereinafter provided in SECTION XXV for the use of an additional specified amount of floor space if the Special Permit Granting Authority finds that such additional floor space is reasonably necessary in the conduct of the business, and that the use of such additional floor space would not violate this Section or SECTION XVI. hereof;

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11. Such accessory uses as are customary in connection with any of the uses enumerated in clauses 1, 2, 3, 4, 5, 6, 7, 8, and 9, and are incidental thereto; such as the temporary parking of motor vehicles of customers and clients patronizing a use allowed in the district; drive through windows where business is conducted from vehicles shall not be considered as a customary accessory use;
12. Any additional use for which a special permit may be obtained in a specific case, as hereinafter provided in SECTION XXV. after the determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized by this Section.
13. Any of the following uses upon the granting of a special permit as provided in SECTION XXV.:
 - a. Automated or mechanical car wash;
 - b. Dry cleaning establishment where chemical solvents are used on the premises;
 - c. Motor vehicle sales;
 - d. Motor vehicle body repair and/or painting shop;
 - e. Sale or rental of trailers, boats or recreational vehicles;
 - f. Sale or rental of tools and/or equipment involving outdoor storage;
 - g. Retail sales where one or more items for sale or rent are kept outside a building;
 - h. Sale of products or items from trailers and vehicles;
 - i. Drive through windows where business is transacted from the vehicles of customers or patrons;
 - j. Retail store having 50,000 or more square feet of floor area.

k. Registered Marijuana Dispensaries

B. PROJECT APPROVAL.

The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.

C. Off-street parking shall be provided in accordance with SECTION XXI.

D. FLOOR AREA RATIO: The maximum floor area ratio as defined in SECTION IA. DEFINITIONS. shall be 0.30.

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- E. INCLUSIONARY ZONING: The provisions of SECTION XVIB. INCLUSIONARY ZONING shall apply.
-

SECTION XII. BUSINESS DISTRICTS A.

- A. In Business Districts A, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the purposes authorized in a Business District.
- B. Off-street parking shall be provided in accordance with SECTION XXI.
- C. PROJECT APPROVAL.
The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.
- D. FLOOR AREA RATIO: The maximum floor area ratio as defined in SECTION IA. DEFINITIONS. shall be 0.30.
- E. INCLUSIONARY ZONING: The provisions of SECTION XVIB. INCLUSIONARY ZONING shall apply.
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SECTION XIII. INDUSTRIAL DISTRICTS.

- A. In Industrial Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except:
1. Any purpose or accessory use which is authorized in Single Residence, General Residence, Educational or Business Districts;
 2. Light manufacturing and assembly;
 3. Dry cleaning establishment where chemical solvents are used on the premises;
 4. Motor vehicle sales and service;
 5. Motor vehicle body repair and/or painting shop;
 6. Sale or rental of trailers, boats or recreational vehicles;
 7. Sale or rental of tools and/or equipment involving outdoor storage;

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8. Retail sales where one or more items for sale or rent are kept outside a building;
 9. Sale of products or items from trailers and vehicles subject to the provisions of SECTION XVI., D.
 10. Such accessory uses as are customary in connection with any of the uses enumerated in clauses 2, 3, 4, 5, 6, 7, 8, and 9 are incidental thereto; such as the temporary parking of motor vehicles of customers and clients patronizing a use allowed in the district; drive through windows where business is conducted from vehicles shall not be considered as a customary accessory use;
 11. Any of the following uses upon the granting of a special permit as provided in SECTION XXV.:
 - a. Automated or mechanical car wash;
 - b. Drive through windows where business is transacted from the vehicles of customers or patrons.
 - c. **Registered Marijuana Dispensaries**
 12. Any additional use for which a special permit may be obtained in a specific case, as hereinafter provided in SECTION XXV. after the determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized by this Section.
- B. **PROJECT APPROVAL.**
The provisions of SECTION XVIA. **PROJECT APPROVAL.** shall apply.
- C. Off-street parking shall be provided in accordance with SECTION XXI.
- D. **FLOOR AREA RATIO:** The maximum floor area ratio as defined in SECTION IA. **DEFINITIONS.** shall be 0.30.
- E. **INCLUSIONARY ZONING:** The provisions of SECTION XVIB. **INCLUSIONARY ZONING** shall apply.
-

SECTION XIV. INDUSTRIAL DISTRICTS A.

- A. In Industrial Districts A, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged,

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reconstructed or used, and **no land shall be used, for any purpose except one or more of the purposes authorized in an Industrial District.**

- B. Off-street parking shall be provided in accordance with SECTION XXI.
 - C. PROJECT APPROVAL.
The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.
 - D. FLOOR AREA RATIO: The maximum floor area ratio as defined in SECTION IA. DEFINITIONS. shall be 0.30.
 - E. INCLUSIONARY ZONING: The provisions of SECTION XVIB. INCLUSIONARY ZONING shall apply.
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SECTION XIVG. LINDEN STREET CORRIDOR OVERLAY DISTRICT("LSCOD")

- A. Purpose: In recognition of the unique location, function, and character of land uses along the Linden Street commercial corridor, the Linden Street Corridor Overlay District (LSCOD) is intended to encourage the redevelopment of unsightly and inefficient properties in a coordinated and well-planned manner in order to promote:
 - More efficient and organized layout of buildings, parking areas, vehicular circulation aisles, and pedestrian walkways.
 - Orderly master planning of the Linden Street corridor.
 - Improved facilities and circulation for the safety, comfort, ease of movement, and convenience of pedestrians.
 - Enhanced aesthetic quality and architectural compatibility of new and existing buildings.
 - Enhanced quality of landscape, including features such as trees, shrubs, lawns, and other plantings, as well as features such as walkways, plazas, street furnishings, lighting, and perimeter fencing.
 - Consolidation, improved organization, and safe design of site access points.
 - Improved overall traffic safety and operations along Linden Street.
 - Enhanced property values along the corridor, including adjacent residential and commercial neighborhoods.
 - Improved watershed conditions and drainage and improvement of existing flooding conditions on private property.
 - Decreased peak stormwater drainage rates into downstream receiving bodies by increasing open space.

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- B. Applicability: The LSCOD is shown on the Zoning Map and shall be considered as overlaying other existing zoning districts.
- C. Underlying Zoning Districts: The LSCOD confers additional development options to be employed at the discretion of the property owner. The LSCOD does not in any manner remove or alter the zoning rights permitted by the underlying zoning district. However, use of one or more of the LSCOD development options requires consistency with all LSCOD requirements. If two or more lots are (i) contiguous to each other, and (ii) owned by the same person or entity, such lots may be combined as a single "Development Site." The limits of any Development Site shall be identified by the Applicant and endorsed by the land owner or owners at the time of project submission. Lots that would be contiguous to each other but for a street or right of way shall be considered to be contiguous for the purposes of assembling a Development Site. One or more lots may be added to an existing Development Site, but only if such addition would not cause the Development Site, as so enlarged, to be out of conformance with the provisions hereof.
- D. **Permitted Uses: Any use or uses that are permitted in the underlying zoning district are permitted, provided that if, in the underlying zoning district, a special permit would be required for any particular use, the same special permit shall be required for such use in the LSCOD.** Any non-conforming uses or structures will continue to be governed by General Laws Chapter 40A Section 6, and by Section XVII of this Bylaw.

Notwithstanding the foregoing, the following uses shall not be permitted on any Development Site:

1. any use that would not be permitted in a Business District (provided that any use that would be permitted in a Business District with a special permit or other appropriate relief shall similarly be permitted in the LSCOD with a special permit or such other relief);
2. sale or rentals of trailers, boats or recreational vehicles;
3. sale of items or products out of trailers;
4. hotel or motel;
5. automobile dealership (new or used);
6. storage of oil or petroleum products (other than as accessory to another permitted use and then only in accordance with applicable state and federal laws), provided that this clause shall not prohibit use for a gasoline service station with associated repair facilities;
7. laundry establishments with on-premises dry cleaning facilities, provided that the foregoing will not restrict laundry establishments with dry cleaning pick-up and drop-off service;
8. drive-through windows where food or beverage is purchased by customers in vehicles

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9. light manufacturing; and
 10. “adult uses,” as defined in Section IA of this Bylaw.
- E. Minimum Open Space: There shall be provided for each Development Site minimum open space (as defined in Section IA.) equal to at least eighteen percent (18%) of the area of the Development Site. In computing the total open space for the Development Site, open space provided pursuant to Section XXI(D)(3) shall be included.
- F. Maximum Floor Area Ratio: The maximum floor area ratio (as defined in SECTION IA. DEFINITIONS) for a Development Site shall be 0.3. Notwithstanding the foregoing, the maximum floor area ratio for a Development Site may be increased above 0.3 (but not in excess of 0.35), upon and subject to the issuance of a special permit granted by the Planning Board in accordance with the following:
1. A report shall have been received from the Design Review Board finding that the proposed project is consistent with the design criteria listed in Section XXII of this Bylaw;
 2. The Planning Board shall find that the proposed project provides and/or contributes to and enhances pedestrian access and safety and will accommodate pedestrian and bicycle circulation (including reasonable bicycle parking areas, suitably separated from motor vehicle traffic lanes) in accordance with nationally recognized and accepted standards;
 3. The Design Review Board shall find that the proposed project contains architectural features that enhance the appearance of the Development Site;
 4. Newly constructed buildings in the proposed project shall be designed so as to minimize excessive noise from loading or refuse removal activities and from the operation of HVAC or mechanical equipment;
 5. The Proposed Project includes affordable housing units in excess of those required under Section XVIB of this Bylaw; and
 6. The proposed project shall include open space that enhances the local commercial environment, including (i) at least one park-type area of not less than 6,000 square feet with amenities such as benches and shade trees; (ii) at least three areas of green space of at least 1,000 contiguous square feet each, which will enhance the absorption and drainage of storm water; and (iii) open space that enhances pedestrian safety, including readily identifiable pathways with appropriate signage or markings. Open space referred to in clauses (i) and (ii) will be planted and maintained substantially in accordance with a landscape plan, which will be reviewed and approved by the Design Review Board and the Town Horticulturalist.

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Upon the satisfaction of the foregoing conditions, the Planning Board shall issue a special permit allowing an increase in the maximum floor area ratio above 0.3, but in no event shall the maximum Floor Area Ratio for any Development Site exceed 0.35.

- G. Inclusionary Zoning. The provisions of SECTION XVIB. INCLUSIONARY ZONING shall apply.
- H. Project Approval. The provisions of SECTION XVIA. PROJECT APPROVAL shall apply.
- (a) In connection with an application for any special permit or Project Approval under Section XVIA, a proposed development in the LSCOD shall not degrade the level of service designation at an impacted intersection or roadway segment to a level below the level of “C” and, if an impacted intersection or roadway segment is projected to operate at an level of service lower than “C” in a design year no-build alternative, then the proposed development shall not degrade the level of service designation below the projected design year no-build levels. An exception shall be for unsignalized intersections where, for the specific hour in question, fifty (50) trips per hour or less during the design year no-build peak hour are projected for a minor street approach. For these locations, the Applicant shall undertake an evaluation to identify any specific circumstances requiring further action or mitigation, which may be the subject of negotiated improvements at the discretion of the Planning Board.
- (b) In connection with evaluation under Section XVIA of the storm drainage system, if the Planning Board determines that the minimum service standards cannot reasonably be achieved, but that the proposed project will effect an improvement in the no-build alternative, the Planning Board may, in its reasonable discretion, modify the minimum service standard and requirements, which modification may be conditioned on reasonable and acceptable mitigation measures. Any such mitigation measures shall be incorporated into the conditions of such special permit or Project Approval.
- I. Yards and Setbacks: The provisions of Section XIX (Yard Regulations) are inapplicable to proposed projects under this Section. No building or structures shall hereafter be erected or placed nearer to any street or property line of a property abutting the Development Site than the following:
- | | |
|-------|---------|
| Rear | 10 feet |
| Side | 10 feet |
| Front | 15 feet |
- J. Buffers: A buffer area shall be provided along the property line where the property line of the Development Site is contiguous to the property line of another lot within an existing residential district. This buffer shall be landscaped and screened by way of fences, walls and/or plantings sufficient to reasonably and substantially shield abutting land from parking and loading areas and buildings. Any such fences or walls may provide openings

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to allow safe pedestrian access and egress between the Development Site and the adjacent neighborhood. A Landscape Plan identifying the location and treatment of said buffer shall be prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts, and approved by the Design Review Board. The foregoing requirement may be satisfied by (a) a landscaped and planted strip between the Development Site and the abutting residential district at least ten feet (10') in width, and/or (b) where existing conditions do not permit a 10-foot buffer, then a buffer strip between the Development Site and the abutting residential district, with fencing, walls or plantings at least seven feet (7') in average height. The approved buffer plan shall be incorporated into the required Project Approval under Section XVIA. No parking spaces, commercial loading facilities and maneuvering areas shall hereafter be placed within any buffer area.

- K. Lighting: An exterior lighting plan showing the location and design of light posts and luminaries for all exterior lighting shall be reviewed and approved by the Design Review Board. Unless specifically otherwise approved by the Design Review Board, luminaires shall be of a type having a total cutoff of less than ninety (90) degrees, and shall direct light onto the site. The approved lighting plan shall be incorporated into the required Project Approval under Section XVIA.
- L. Off-Street Parking: Parking shall be provided in accordance with SECTION XXI. The landscaping and screening requirements set forth in Section XXI shall apply to any proposed project.
- M. No more than two stores having a ground floor area of more than twenty-five thousand (25,000) square feet each shall be on a Development Site, unless the Planning Board shall first have granted a special permit.

~~SECTION XVIG. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS.~~

(Editor's Note: Section XVIG added 1/9/14 to reflect temporary moratorium enacted under Article 32 at 2013 ATM)

~~A. INTENT AND PURPOSE~~

~~By vote of the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law is effective as of January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Regulations promulgated by the State Department of Public Health are expected to provide guidance in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulations will not be released prior to Annual Town Meeting and given the complex legal, planning, and public safety issues the Town of Wellesley has determined time is needed to conduct a comprehensive study to review, evaluate and consider possible amendment(s) to the current provisions of~~

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~~the Zoning Bylaw, as well as to address the potential impact of the State regulations on zoning town wide regarding regulation of medical marijuana and Medical Marijuana Treatment Centers. A temporary moratorium on the use of land and structures in the Town of Wellesley for Medical Marijuana Treatment Centers will allow for sufficient time to engage the residents in a comprehensive planning process to address whether such use will be permitted in any district and if so under what conditions and limitations the effects such structures and uses would have in the Town of Wellesley and to enact bylaws in a manner consistent with sound land use planning goals and objectives to be discussed during the moratorium period.~~

~~B. DEFINITIONS~~

~~For the purposes of Section XVIG, the following definitions shall apply.~~

~~Medical Marijuana Treatment Center Not for profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.~~

~~C. APPLICABILITY OF TEMPORARY MORATORIUM~~

~~For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town of Wellesley hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. For so long as this temporary moratorium remains in effect, no Medical Marijuana Treatment Center or structure appurtenant or accessory to Medical Marijuana Treatment Center shall be constructed, nor shall any building permit, special permit, variance or site plan approval decision for any such facility be issued in the Town of Wellesley. Unless extended, modified or rescinded by a subsequent action of Town Meeting, the provisions of this temporary moratorium shall be in effect from April 1, 2013 to June 30, 2014.~~

SECTION XXV. SPECIAL PERMIT GRANTING AUTHORITY.

A. General Authority and Conditions.

This Zoning Bylaw provides for specific types of uses which shall only be permitted in specified districts upon the granting of a special permit, as provided herein. Special permits may be granted only for uses which are in harmony with the general purpose and intent of this Zoning Bylaw, and shall be subject to general or specific provisions as set forth herein, and such permits may also impose conditions, safeguards, and limitations on time or use, in order to further the objectives of this Zoning Bylaw.

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B. Specific Powers.

1. Scientific Development, Research or Related Production.

The Special Permit Granting Authority may grant a special permit for uses accessory to activities permitted as a matter of right, whether or not on the same parcel as activities permitted as a matter of right, which activities are necessary in connection with scientific development, research or related production, provided that the Special Permit Granting Authority finds that the proposed accessory uses do not substantially derogate from the public good.

2. Findings.

The Special Permit Granting Authority is empowered to make findings in accordance with Section XVII. ~~PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS.~~ and G. L. Chapter 40A, Section 6.

3. Project Approval.

The Special Permit Granting Authority is empowered to review and approve plans in accordance with the requirements of Section XVIA. ~~PROJECT APPROVAL.~~ and this SECTION XXV. The provisions of Part C. of this section shall apply to the review and approval of plans for Major Construction Projects as defined in SECTION XVIA. ~~PROJECT APPROVAL.~~ of this Zoning Bylaw. The approval of plans by the Special Permit Granting Authority in accordance with SECTION XVIA. ~~PROJECT APPROVAL.~~ shall constitute the granting of a special permit.

4. Special Permits and Special Use Permits.

The Special Permit Granting Authority may grant special permits subject to any conditions or limitations as specifically provided in this Zoning Bylaw.

5. Adult Uses.

The Special Permit Granting Authority is empowered to review and approve applications for Adult Uses as defined in Section IA. subject to the provisions of D. Special Use Permit Standards below and subject to all of the following additional conditions and limitations:

- a. The Special Permit Granting Authority shall not grant a special permit for an Adult Use where there is another Adult Use located within a one half mile radius;
- b. The Special Permit Granting Authority shall not grant a special permit for an Adult Use where there is a school, day care center, family day care home,

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parkland, playground, library or branch library, religious use, funeral home or cemetery located within 350 feet.

- c. The Special Permit Granting Authority shall not grant a special permit for an Adult Use where there is a residential zoning district located within 350 feet;
- d. Special permits granted shall be subject to annual renewal.

An application to the Special Permit Granting Authority for an Adult Use shall include the following information:

- a. Name and address of the legal owner of the proposed adult Use;
- b. Name and address of all persons having lawful, beneficial, equity or security interests in the Adult Use;
- c. Names and addresses of the manager(s) and assistant manager(s);
- d. The number of employees;
- e. Proposed security precautions; and
- f. The physical layout of the premises showing, among other things, the location or proposed location of the adult books, adult paraphernalia or adult videos.

The legal owner of an Adult Use having received a special permit shall promptly notify the Special Permit Granting Authority of any changes in the above information within 10 days and failure to do so will be grounds for revocation of the special permit.

6. Registered Marijuana Dispensaries

- a. Purpose - The purpose of this subsection is to regulate the siting, design, placement, security, safety, monitoring, and modifications of Registered Marijuana Dispensaries ("RMDs") within the Town of Wellesley to ensure that such uses are operated in a manner consistent with the overall health, welfare and safety of the Town in compliance with Chapter 369 of the Acts of 2012, An Act for the Humanitarian Medical Use of Marijuana, and 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, and to minimize the adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said RMDs.

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b. Compatibility with State Laws - These regulations pertaining to RMDs are not intended to supersede state laws and/or regulations, including but not limited to Chapter 369 of the Acts of 2012, *An Act for the Humanitarian Medical Use of Marijuana*, and 105 CMR 725.000: *Implementation of an Act for the Humanitarian Medical Use of Marijuana*; rather, these regulations shall take precedence where they are more stringent, and where a matter is not addressed herein, compliance with 105 CMR 725.000 shall be required. Terms used herein not defined within the Zoning Bylaw shall be as defined in 105 CMR 725.000.

c. Applicability and Authority

i. Applicability:

- (1) No RMD use shall commence unless permitted by the issuance of a special permit as authorized by this Section and subsection.
- (2) No special permit for an RMD use shall be issued unless the use is located in one of the zoning districts established within the Zoning Bylaw specifically authorizing such use.
- (3) The establishment and operation of RMDs shall be subject to continued compliance with all special permits, including any conditions thereof, the provisions of this Section and subsection, any other applicable requirements of the Zoning Bylaw, and local and state laws and regulations.
- (4) The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana is prohibited unless permitted as an RMD as required and authorized by the Zoning Bylaw.
- (5) Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

ii. Authority: The Special Permit Granting Authority is empowered to review and take action on special permit applications for Registered Marijuana Dispensaries consistent with the procedures established in subsection C. of this Section; the Special Permit Granting Authority may deny, grant, or grant with conditions all such applications.

d. General Regulations - All RMDs shall be subject to the following conditions and limitations:

i. Location:

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- (1) No special permit for an RMD shall be granted where such use would be located within 500 feet of a:
 - a. Public or private elementary school, middle school, or high school;
 - b. Child care facility, including family daycare homes, daycare centers, and/or nursery schools; or
 - c. Any establishment catering to or providing services primarily intended for minors, as determined by the Special Permit Granting Authority.
- (2) The 500 foot distance shall be measured in a straight line from the nearest point of the structure within which the RMD would operate (from the nearest point of the exterior of the tenant space if the RMD is located in a structure occupied by multiple tenant spaces), to the nearest point of any property on which a public or private elementary school, middle school, or high school is located, or to the nearest point of any structure containing or associated with other uses noted above.
- (3) The commencement of one or more of the above uses within 500 feet of a proposed RMD location during the review of a special permit application for an RMD (beginning on the date of submittal), following the issuance of a special permit, or following the commencement of the RMD use shall not invalidate the RMD use, the special permit issued therefor, or the ability to renew any unexpired or unrevoked special permit.

ii. Configuration and Operation:

- (1) An RMD shall be located in, and conduct all operations within, an enclosed building; this shall not prohibit operations involving the delivery or receiving of permitted goods and products, which may involve transfer to or from a motor-vehicle outside of an associated building.
- (2) All publicly accessible entrances shall be visible from a public way.
- (3) Drive-through windows and/or any interactions or sales to customers within vehicles are prohibited.

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- (4) No RMD shall be located inside a building containing residential dwelling units, including transient housing, group housing, hotels, motels, lodging houses, and/or dormitories.
- (5) The hours of operation of RMDs shall be set by the Special Permit Granting Authority, but in no event shall an RMD be open to the public, performing deliveries, and/or otherwise operating between the hours of 8:00 PM and 8:00 AM; there shall be no exemptions to the prohibited hours of operation for emergencies.
- (6) No person under the age of eighteen (18) shall be permitted on the premises of the RMD unless he or she is a qualified patient or primary caregiver, or is accompanied by a parent or legal guardian.
- (7) No marijuana shall be smoked, ingested, or otherwise consumed on the premises of an RMD; the term "premises" includes all buildings, accessory structures, parking lots or parking areas, walks and/or other immediate surroundings located on the same lot/parcel as the RMD use.
- (8) All RMDs shall be ventilated in such a manner that no pesticides, insecticides or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere, and so that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the RMD or at any adjoining use or property.

iii. Signage:

- (1) All signs associated with RMDs shall comply with 105 CMR 725.000 and Section XXIIA, Signs.
- (2) All special permit applications for RMDs shall include a proposed exterior sign package, which may be included as a condition of issuance of the special permit.
- (3) For every publicly accessible entrance there shall be at least one (1) sign that includes the language "Registration card issued by the MA Department of Public Health required" with a minimum text height of two (2) inches.
- (4) Temporary signs and standard informational signs, as defined in Section XXIIA, Signs, shall be prohibited.

iv. Security:

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- (1) RMDs shall provide the Wellesley Police Department, Inspector of Buildings and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment; this information shall be updated when staff of the RMD changes.
- (2) No operator and/or employee of an RMD shall have been convicted of any felony under state or federal law.
- (3) Trash dumpsters shall be locked and enclosed by a screening enclosure so as not to be accessible to the public.
- (4) The exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times during business hours; all light fixtures shall have full cut off shields.
- (5) The RMD shall be equipped with, and the operators of such RMD shall maintain in working order at all times, burglary/robbery alarms.
- (6) A video surveillance system in compliance with 105 CMR 725.000 shall be installed and maintained; the system shall monitor all areas that may contain marijuana, parking lot areas, main building entrances and exits, and any and all transaction areas for the dispensing of marijuana.
- (7) Procedures and protocols for the delivery and transport of marijuana and MIPs shall be in compliance with 105 CMR 725.000 and approved by the Chief of Police.

e. Procedures and Findings

i. Procedures: In addition to the procedures established in subsection C. of this Section, special permits issued for RMDs shall be:

- (1) Limited to the current applicant and shall lapse if the permit holder ceases operation of the RMD; and
- (2) Renewed annually.

ii. Findings: In addition to determining compliance with the above General Regulations, all other applicable Sections of the Zoning Bylaw, and the

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applicable Special Use Permit Standards contained in subsection D. of this Section, the Special Permit Granting Authority in their review of any special permit application for an RMD shall find that the proposed Registered Marijuana Dispensary:

- (1) Meets a demonstrated local and regional need based on the proximity of other RMDs serving the Town's qualifying patients;
- (2) Meets all other applicable requirements of the Zoning Bylaw and the permitting requirements of all applicable agencies of the Commonwealth of Massachusetts and the Town of Wellesley, and will otherwise comply with all applicable state and local laws and regulations;
- (3) Is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- (4) Provides a secure indoor waiting area for patients;
- (5) Provides adequate pick up/drop off area;
- (6) Provides adequate security measures to ensure that no individual participants will pose a threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities; and
- (7) Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the RMD.

f. Severability - The provisions of this subsection (6. Registered Marijuana Dispensaries) are severable. If any provision, paragraph, sentence, or clause of this Section, or the application thereof to any person, establishment, or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of this Section or the Zoning Bylaw.

C. Procedures.

The Special Permit Granting Authority shall adopt and from time to time amend rules relative to the granting of special permits, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, and the procedure for the submission and approval of such permits.

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Each application for a special permit shall be filed by the petitioner with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Special Permit Granting Authority. The Special Permit Granting Authority shall hold a public hearing, for which notice has been given, on any application for a special permit within sixty-five (65) days from the date of filing such application.

The Special Permit Granting Authority shall act within ninety (90) days following a public hearing for which notice has been given by publication and posting as provided within this Zoning Bylaw, and by mailing to all parties in interest. Failure by a Special Permit Granting Authority to take final action within ninety (90) days or extended time, shall be deemed to be a grant of the special permit. The petitioner who seeks such approval by reason of the failure of the Special Permit Granting Authority to act within such time, shall notify the Town Clerk, in writing within fourteen (14) days from the expiration of the time period of such approval and that notice has been sent by the petitioner to parties in interest. The petitioner shall send such notice to parties in interest, by mail, and each such notice shall specify that appeals, if any, shall be made pursuant to Mass. General Laws Chapter 40A and shall be filed within twenty (20) days after the date the Town Clerk received such written notice from the petitioner that the Special Permit Granting Authority failed to act within the time prescribed. After the expiration of twenty (20) days without notice of appeal, or if appeal has been taken, after receipt of certified records indicating that such approval has become final, the Town Clerk shall issue a certificate stating the date of approval, the fact that the Special Permit Granting Authority failed to take action and that the approval resulting from such failure has become final, and such certificate shall be forwarded to the petitioner.

The required time limits for a public hearing and action, may be extended by written agreement between the petitioner and the Special Permit Granting Authority. A copy of such agreement shall be filed in the office of the Town Clerk.

Special permits granted by a Special Permit Granting Authority shall require a two-thirds vote of boards with more than five (5) members, a vote of at least four (4) members of a five (5) member board, and a unanimous vote of a three (3) member board.

Upon the granting of a special permit, or any extension, modification, or renewal thereof, the Special Permit Granting Authority shall issue to the owner, and to the applicant if other than the owner, a copy of its decision, or, in the event of a failure of the Special Permit Granting Authority to act within ninety (90) days from the date of the aforesaid public hearing, a copy of the application for a special permit accompanied by the certification of the Town Clerk stating the fact that the Special Permit Granting Authority failed to act within the time prescribed and no appeal has been filed and that the grant of the application resulting from such failure to act has become final or that if an appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

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No special permit nor any extension, modification, or renewal thereof shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days has elapsed and, pursuant to the applicable provisions contained within Chapter 40A. Mass. General Laws, as amended, no appeal has been filed, or that if such appeal has been filed that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

The Special Permit Granting Authority shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason for its decision and of its official actions, copies of all which shall be filed within fourteen (14) days in the office of the Town Clerk and shall be deemed a public record, and notice of the decision shall be mailed forthwith to the petitioner, applicant or appellant, to the parties in interest, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Each such notice shall specify that appeals, if any, shall be made pursuant to Mass General Laws Chapter 40A and shall be filed within twenty (20) days after the date of filing of such notice in the office of the Town Clerk.

Petitions for special permits shall be submitted to the Special Permit Granting Authority and referred within seven (7) days by it for review to the following: The Board of Health, the Planning Board (except when the Planning Board is the Special Permit Granting Authority), the Town Engineer, the Wetlands Protection Committee, and any other Town agency or board designated by the Special Permit Granting Authority. Any such board or agency to which petitions are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the Special Permit Granting Authority and to the applicant; provided, however, that failure of any board or agency to make recommendations within thirty-five (35) days of receipt by such board or agency of the petition shall be deemed lack of opposition thereto.

No application or petition which has been unfavorably and finally acted upon by the Special Permit Granting Authority shall be acted favorably upon within two (2) years after the date of final unfavorable action unless:

1. Said Special Permit Granting Authority finds, by a unanimous vote of a three-member Board, specific and material changes in the conditions upon which unfavorable action was based, and describes such changes in the record of its proceedings; and

~~2. All but one of the members of the Planning Board consents thereto; and~~

2. All but one of the members of the Planning Board or Board of Selectmen, when serving as Special Permit Granting Authority, consents thereto; and

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3. After notice is given to parties in interest of the time and place of the proceedings when such consent will be considered. Any application for a special permit which has been transmitted to the Special Permit Granting Authority may be withdrawn, without prejudice, by the petitioner prior to the publication of a public hearing thereon, but thereafter be withdrawn without prejudice only with the approval of the Special Permit Granting Authority.

A special permit shall lapse within two (2) years of the effective date of grant of such special permit, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

D. Special Use Permit Standards.

The Special Permit Granting Authority may grant a special permit in accordance with this Section only if it finds that, in addition to all other conditions which may otherwise be required under this Zoning Bylaw, all of the following conditions are met:

1. Vehicular Circulation

That the circulation patterns for motor vehicles which would result from the proposed use or structure which is the subject of the special permit do not create conditions that add to traffic congestion or accident potential on the site or in the surrounding area.

2. Driveways

That new driveways are not less than 50 feet from street intersections; and that new driveways have widths not less than the width of driveways specified in Section XXI. of this Zoning Bylaw; and that Special Permit requests for uses which would increase the number of vehicle trips, where the property is served by an existing driveway less than 50 feet from a street intersection, are not granted without a favorable recommendation from the Town Traffic Engineer that the special permit use will not create conditions referred to in subparagraph 1. above.

3. Vehicle Queuing Lanes

That vehicle queuing lanes, including those for drive through facilities, have a width equal to or greater than nine feet; and that vehicle storage capacity and separation are provided so that vehicles will not encroach onto sidewalk areas or designated fire lanes, or interfere with the travel or maneuvering of other vehicles into and out of parking spaces, driveways or within the public way.

4. Compatibility with Surroundings

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That any modification of a premises resulting from the proposed use or structure which is the subject of the special permit is made compatible, to the extent required by the Special Permit Granting Authority with the existing natural and man-made features of the site and with the characteristics of the surrounding area; and that consideration is given to the protection of trees and other natural features.

5. Pedestrian Safety

That pedestrian and bicycle circulation is provided, in accordance with nationally recognized safety standards; and that separation, such as curbing, bollards or landscaped buffer areas, is provided between pedestrian areas and all areas open to vehicular traffic, such as parking spaces, vehicle queuing lanes and driveways.

6. Noxious Uses

That the proposed use or activity is consistent with the provisions of Paragraphs A. and B. of SECTION XVI. RESTRICTIONS AFFECTING ALL DISTRICTS.

7. Intensity of Use

That any increase in: the number of vehicle trips, the number of employees or visitors, the number of parking spaces, the amount of energy used, or the volume of liquid or solid waste produced, likely to result from the proposed use or activity will not adversely affect the character of the site and its surrounding area.

For the purposes of this Part D. the term "surrounding area" shall mean the area within which owners of land surrounding the site are defined as parties in interest in accordance with SECTION XXVIA. part B., unless otherwise specifically determined by the Special Permit Granting Authority.